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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,129	10/21/2003	Jeffrey Gerard Bourque	10541-1877	3650

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EXAMINER	
REDMAN, JERRY E	

ART UNIT	PAPER NUMBER
3634	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,129	BOURQUE ET AL.	
	Examiner	Art Unit	
	Jerry Redman	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/21/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The applicant's information disclosure statement dated 10/21/2003 has been considered and a copy has been placed in the file.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynaldos in view of Galer (2003/0213179) or Galer (2003/0213179) in view of Reynaldos. Reynaldos discloses a flexible cover (10) positioned over a bottom edge of a window opening, the cover (10) having a first end 25 and 27 attached on one side of the window opening and a second end (14) having attachment means (60) for removably attaching to an opposite side of the window opening and forming a U-shaped when in a protective mode. Reynaldos fails to disclose the cover formed over a bottom edge of a fixed window having an opening. Galer discloses a fixed window having an opening being closed by a sliding window. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the protective cover of Reynaldos within a fixed window having an opening as taught by Galer since a fixed window having an opening provides a greater viewing space and allows the bottom of the opening to be protected. Galer fails to disclose the fixed window having an opening with a protective cover along a bottom of the opening. Reynaldos discloses a protective cover along a bottom of a window opening. It would have been further obvious to one

of ordinary skill in the art at the time of the invention to provide the opening within a fixed panel of Galer with a protective cover as taught by Reynaldos since the protective cover allows one to move between the sides of the fixed panel and protects the bottom edge of the opening from damage.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynaldos and Galer as applied to claim 1 above, and further in view of Bain. All of the elements of the instant invention are discussed in detail above except providing the cover to be formed of polyurethane or vinyl and Kevlar (T.M.). Bain discloses a protective device being formed of a polyurethane or vinyl and Kevlar (T.M.). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cover of the protective device of Reynaldos to be formed of polyurethane or vinyl and Kevlar (T.M.) as taught by Bain since polyurethane or vinyl and Kevlar provide the extra strength and rigidity to wear and tear for the protective cover when in use.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Fletcher discloses a protective device on an opening of a vehicle similar to that of the applicant's invention. U.S. patent to Haefliger discloses a protective cover for an opening similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120.

Jerry Redman
Primary Examiner